

PTO/SB/21 (09-04)

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Total Number of Pages in This Submission

34

Application Number

09/161,073

Filing Date

September 25, 1998

First Named Inventor

Pi-Wei Chin

Art Unit

2176

Examiner Name

Bashore, William L.

Attorney Docket Number

SA9-98-050 (12780-315)

ENCLOSURES (Check all that apply)☐

Fee Transmittal Form

☐

Fee Attached

☐

Amendment/Reply

☐

After Final

☐

Affidavits/declaration(s)

☐

Extension of Time Request

☐

Express Abandonment Request

☐

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re application of: **Chin et al.**

Application No.: **09/161,073**

Group No.: **2176**

5 Filed: **09/25/1998**

Examiner: **BASHORE, William L.**

For: **INTERFACE FOR PROVIDING DIFFERENT-LANGUAGE VERSIONS OF
MARK-UP-LANGUAGE RESOURCES**

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REPLY BRIEF (37 C.F.R. § 41.41)

15

This brief is in reply to the Examiner's Answer in this case bearing a Date Mailed of
01/10/2006.

This brief contains these items under the following headings, and in the order set forth below (37 C.F.R. § 41.37(c)(1)):

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25 The final page of this brief bears the practitioner's signature.

I. REAL PARTY IN INTEREST
(37 C.F.R. § 41.37(c)(1)(i))

The real party in interest in this appeal is International Business Machines Corporation, a
5 New York corporation of New Orchard Road, Armonk, New York, which is assignee of the
entire right, title and interest to the invention in the United States and in all foreign countries.

II. RELATED APPEALS AND INTERFERENCES
(37 C.F.R. § 41.37(c)(1)(ii))

10 There are no other appeals or interferences which may be related to, that will directly
affect, or be directly affected by or have a bearing on the Board's decision in this appeal.

N.B., this case was previously the subject of now decided Appeal No. 2004-1077.
Appellant's Appeal Brief included a copy of the decision for that appeal. This Reply Brief does
15 not include a copy or further mention of Appeal No. 2004-1077, however, since it was decided
and has no present bearing.

III. STATUS OF CLAIMS
(37 C.F.R. § 41.37(c)(1)(iii))

20 The status of the claims in this application are:

A. Total Number Of Claims In The Application

Claims in the application are: 1-24

B. Status Of All Of The Claims

1. Claims rejected: 3-16 and 18-22
2. Claims allowed or confirmed: NONE
3. Claims withdrawn from consideration: NONE
- 30 4. Claims objected to: NONE
5. Claims canceled: 1-2, 17 and 23-24

C. Claims On Appeal

The claims on appeal are: 3-16 and 18-22

IV. STATUS OF AMENDMENTS (37 C.F.R. § 41.37(c)(1)(iv))

It is understood that all amendments in the case have been entered.

V. SUMMARY OF CLAIMED SUBJECT MATTER (37 C.F.R. § 41.37(c)(1)(v))

The present invention provides internationalization of a user interface. One task in this is converting the user-visible interface into a local language (other possible tasks include selection a correct character set and displaying dates, times, and currency codes as locally customary). See e.g., pg. 1, ln. 19 to pg. 2, ln. 8.

Historically, internationalization has usually been achieved by selecting among a plurality of pre-built page/frame(s) at a server or by translation at an end user's local browser (e.g., pg. 2, ln. 9-14). The latter presumes that a capable dictionary in the desired language is also present at the user's end.

The meaning of the terms "translation" and "replacement" are especially important in this invention and in this appeal. The term "translation" is often used very loosely, sometimes so much so that it is used as a synonym for "replacement." [*Throughout the following we respectfully ask the reader to be vigilant and ask themselves which actually applies.*]

Claim 3 is for a computer implemented user interface, such as the exemplary web based user interface **18** in FIG. 3. Claim 3 includes two major elements: a markup-language encoded template and a plurality of resource files. FIG. 2 depicts examples of these, as a HTML template **22** and two HTML ResourceBundles **24a**, **24b**, respectively, and further depicts how the markup-language encoded template particularly includes a replacement variable **51** for replacement with data from one of the resource files. Each of the resource files contains an idiomatically-correct predefined passage of text in a different language to replace the replacement variable when that particular resource file is selected. The replacement variable is thus always replaced with the same data/text when any given resource file is selected. Of course, in a typical usage scenario, a

markup-language encoded template might include multiple replacement variables and the resource files would then include multiple corresponding idiomatically-correct predefined passages of text, each in the respective language.

The figures, particularly FIG. 2 here for claim 3, provide an example. An HTML template **22** and two HTML ResourceBundles **24a**, **24b** reside on a server **12** that is connected to a browser **14** by the internet **16** (see also pg. 5, ln. 16-22). The HTML template **22** and one of the two HTML ResourceBundles **24a**, **24b** are combined at the server **12**, into constructed HTML code **46** that is provided to the browser **14** for display there on an associated display screen **20** (FIG. 3).

The invention permits performing internationalization of a web based user interface **18** on a server **12** – not on a browser **14**. It combines a selected HTML ResourceBundle **24a** or **24b** with the HTML template **22** on the server **12**, and it is the resulting constructed HTML code **46** that is then sent onward to the browser **14**. The use of the HTML ResourceBundles **24a**, **24b** is then finished and these are not sent to the browser.

As discussed in the specification (pg. 2, ln. 9 to pg. 3, ln. 11), HTML page/frames and Java applet panels are built at different times and places. While HTML page/frames are constructed on a web server prior to down loading, Java applet panels (e.g., Java code **25** and Java ResourceBundles **28**, to the extent that events ever require them) are down loaded to and then executed on a browser, i.e., on an end user's own machine.

The example used in the specification is a sophisticated one that is hyper-text markup language (HTML) based and further includes an instance of conventional Java code **25** and a JAR file **26** containing two Java ResourceBundles **28**. In many cases Java code **25** and JAR files **26** will not be present, since the invention does not require them. If these are present, however, they may be used for conventional other purposes entirely or they may be used to provided additional internationalization capabilities (e.g., claims 9-10, which depend from claim 3). In the latter case, only appropriate Java ResourceBundles **28** selected at the browser need be sent. For instance, the Java code **25** can be a Java applet **60** for a button **62** and an associated dynamic operation that a user may activate at the browser **14**. The Java ResourceBundles **28** provided by the browser may now be limited and selected to permit internationalization completion for dynamic elements of the user interface **18** that corresponds with the already performed internationalization of the static elements while still at the server (pg. 7, ln. 21 to pg. 9, ln. 8).

Claim 4 adds the limitation that the resource file is selected based on a language code, e.g., language code **44** discussed at pg. 7, ln. 7-18 (mid paragraph).

Claim 5 adds the limitation that the resource file is an HTML ResourceBundle, as already discussed, and claim 6 adds the limitation that the HTML ResourceBundle is alike in format to a conventional Java ResourceBundle (i.e., as key/value pairs in a Java subclass, pg. 2, ln. 19-21).

Claim 9 adds the limitation that the markup-language encoded template does include Java code and that a JAR file containing a Java ResourceBundle is provided. These can be used at the server to there construct the constructed HTML code (the HTML ResourceBundle is a Java ResourceBundle), or in the manner of claim 10, or in a combination of these.

Claim 10 adds the limitation that the constructed HTML code (including Java code) and the Jar file are both sent to the browser, for use there in one of the manners already discussed.

Claim 11 is for a method for constructing a web based user interface, such as that just described for claim 3. An HTML template is provided (e.g., in step **32** in FIG. 1) to a server, such as the HTML template **22** and the server **12** of FIG. 2. The HTML template includes at least one variable (e.g., replacement variable **51**). A plurality of data files (e.g., HTML ResourceBundles **24a, 24b**) are also provided (step **34**) to the server, each having a different language data portion of idiomatically-correct predefined content that corresponds with the variable. One of the plurality of data files is selected (step **42**) and an HTML encoded user interface file is constructed (step **48**) by always substituting the same data portion from the selected data file into the HTML template to replace the variable.

FIG. 1 includes Java related steps **36, 52, 64**. As discussed above, these can be optional and used for other conventional purposes or they may be provided and used for additional internationalization (e.g., as used in claims 12-13, which depend from claim 11).

Claims 12-13, respectfully, include method step limitations that do what claims 9-10 do, as discussed above. And claim 14 adds the language code limitation discussed above for claim 4.

Claim 21 is for a computer program product comprising a computer usable medium having a computer readable code embodied thereon configured to operate on a computer. A markup-language encoded template is provided, e.g., the HTML template **22** having a replacement variable **51**. A plurality of resource files (e.g., HTML ResourceBundles **24a, 24b**) are also provided, containing data for replacing the replacement variable when that resource file is selected. The resource files each contain an idiomatically-correct predefined passage of text in

a different language such that the replacement variable is always replaced with that passage, as governed by the selection of a particular resource file.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

(37 C.F.R. § 41.37(c)(1)(vi))

A. Whether claims 3, 5-6, 11, 16, 18-22 are unpatentable under 35 U.S.C. § 103(a), over Motoyama (hereinafter Motoyama), U.S. Patent No. 6,208,956 issued March 2001, in view of Fukumochi et al. (hereinafter Fukumochi), U.S. Patent No. 5,644,774 issued July 1997, and in view of Lakritz (hereinafter Lakritz), U.S. Patent No. 6,623,529 issued September 2003.

B. Whether claims 4, 7-8, and 14-15 are unpatentable under 35 U.S.C. § 103(a), over Motoyama, Fukumochi, and Lakritz, and further in view of Levy (hereinafter Levy), U.S. Patent No. 5,944,790 issued August 1999.

C. Whether claims 9-10 and 12-13 are unpatentable under 35 U.S.C. § 103(a), over Motoyama, Fukumochi, and Lakritz, and further in view of BERG, Cliff, "How do I Write an International Application?," Dr. Dobb's Journal, July 1997 (hereinafter Berg).

VII. ARGUMENT

(37 C.F.R. § 41.37(c)(1)(vii))

We respectfully urge that two points be noted and frequently recalled while considering the following:

- 1) This application was filed in 1998.
- 2) This appeal is about whether simple variable replacement and dictionary and rule based translation are the same thing. All of the cited references teach inventions for performing translation, specifically explicit dictionary and rules-based translation. The claimed invention does not perform translation; it replaces variables with previously translated data.

In the interest of brevity, the Office Action dated 07/18/2005 is hereinafter simply termed the "Action" and the Examiner's Answer dated 01/10/2006 is hereinafter simply termed the

“Answer”. Furthermore, unless stated otherwise, all underlining hereinafter is added by Appellant for emphasis.

All of the rejections are made under 35 U.S.C. § 103(a). A prima facie case for obviousness on this basis is usually summarized as requiring:

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. MPEP § 2142

A. The 35 U.S.C. § 103(a) rejections over Motoyama in view of Fukumochi and Lakritz

1. The rejection of claims 3 and 5-6 is technically flawed and also fails to meet the requisite criteria of a prima facie case for obviousness

Claims 5-6 depend from claim 3. We urge that the rejections of claims 5-6 are error for the same reasons as the rejection of claim 3, and we now discuss only claim 3.

Firstly, the combination of Motoyama, Fukumochi and Lakritz does not teach or reasonably suggest all of the limitations of claim 3, and a prima facie case for obviousness therefore should not obtain.

The rejection relies on Motoyama and Lakritz teaching the “*markup-language encoded template*” of claim 3. Specifically, the Examiner argues that “*Motoyama teaches a HTML document page translated using ...*” (Answer, pg. 3, last ¶; and Action, pg. 2, ¶2 of item 6), but that “*Motoyama does not specifically teach said markup-language page as a “template” ...*” However, *Lakritz teaches ... templates*” (Answer, pg. 3, last ¶; and Action, pg. 2, ¶2 of item 6).

Where the rationale for the rejection here particularly fails is with respect to the limitations of the template. Claim 3 recites “*a markup-language encoded template having a replacement variable within,*” and the Examiner has not until the Answer stated explicitly what in the Motoyama or Lakritz references he feels teaches or reasonably suggests this limitation.

The Examiner has maintained his previous argument that “*Motoyama teaches a HTML document page translated using a ... (file) containing translated words and phrases for replacing variables* [col. 4, ln. 14-23; col. 5, ln. 41-46; and col. 6, ln. 41-55]” (Answer, pg. 3, last ¶; and Action, pg. 2, ¶2 of item 6). And to this, forced to presume that the Examiner meant to imply that Motoyama teaches a replacement variable, Appellant has previously responded that this interpretation is flawed. Motoyama nowhere uses the term “*variable*” or any variants of it. The cite at col. 4, ln. 14-23 merely teaches formatting and distinguishing sections of a document; the cite at col. 5, ln. 41-46 merely states “*It is not critical that every tag or data be translated*”; and the cite at col. 6, ln. 41-55 teaches the use of dictionaries and rule databases. Note, the Examiner elsewhere does use the phrase “*variable replacement*,” but then not with respect to Appellant’s template. Note also, Lakritz has never been argued as teaching or suggesting a replacement variable that would apply here.

Now in the Answer, the Examiner states that “*Appellant defines the claimed ... “replacement variable” as a type of mark-up based tag (see Appellant specification page 8, lines 8-19, also Figure 2 item 51) to which the tag is replaced with data*” (Answer, pg. 12, middle, in item a) and that “*Motoyama also teaches that the tag itself can be replaced with a tag of directly translated text (Motoyama Figure 9B)*” (*id.*) (underlining here in the original).

Respectfully, the Examiner seems to have overlooked that everything in an HTML document is necessarily either <tag>...</tag> or <...> delimited, and then gone on to conclude that, since Appellant’s replacement variable is also delimited by a tag, it is, itself, merely a conventional tag. As even the cited portion of Appellant’s specification discusses and as the cited figure shows, however, Appellant’s replacement variable is embodied as a special tag. For example, where the Examiner himself cites, the depicted replacement variable is “< # insert # >” and this is notably not even in the conventional “<tag> ... </tag>” type tag-pairing of most HTML tags. More important, however, is that the replacement variable has the form < identifier that this is a replacement variable > wherein the text “# insert” is what identifies the replacement variable as distinct from other tags that might be used conventionally, and as also distinct for particular use by the present invention.

[Please note for the record generally, Appellant’s point here is not that the use of such a special tag is a limitation of the invention, but that the Examiner has apparently missed that there is a special tag in the example he uses. Aside from being unnecessary and producing no benefit,

there is no reason that alternate embodiments of the invention could not use a replacement variable such as < RepVar > # insert # </RepVar > (spread across one or more lines in a template).]

Furthermore, in this new argument in the Answer, the Examiner seems to have also overlooked that not all tags are rationally viewed as variables or are suitable for replacement. One can use Appellant's HTML code page 46 in FIG. 2 as an example that one of ordinary skill in the art should readily appreciate to be illustrative of essentially all HTML pages. If the < HTML > ... </HTML> tag-pair here is treated as a variable, the result is a complete document/page replacement in gross. One skilled in the art therefore would not normally speak of this HTML tag as being a replacement variable. Similarly, the < HEAD > ... </HEAD> tag-pair would not be regarded as a replacement variable by a skilled practitioner of the art, since any replacement would necessarily have to also take the form < HEAD > ... </HEAD> or the HTML document would be rendered non-compliant with the HTML specification. And similarly, even the < TITLE > ... </TITLE > and < BODY > ... </BODY > tag-pairs would not be regarded as variables by a skilled practitioner of the art, since removing them without replacing them would also result in the HTML document being non-compliant with the HTML specification.

In sum, the “*markup-language encoded template having a replacement variable*” in claim 3 is not taught or reasonably suggested by the cited references.

The rejection of claim 3 also relies on Motoyama and Fukumochi teaching the “*resource files*” of claim 3. What is relevant in what claim 3 recites is:

a plurality of resource files containing data for replacing said replacement variable ... selectively ..., each of ... said resource files containing an idiomatically-correct predefined passage of text in a different language such that said replacement variable will always be replaced with a respective said passage of text governed by the selection of a particular one of said resource files.

However, the Examiner argues that “*Motoyama teaches dictionary resource files indicative [?] of various languages [col. 6, ln. 20-24]*” (Answer, pg. 4, ¶2; and Action, pg. 3, ¶1), but that “*Motoyama does not specifically teach resource files including idiomatically-correct predefined text passages. However, Fukumochi teaches a translation system using a dictionary containing idioms of a language [Abstract, col. 4, ln. 64 to col. 5 ln. 11].” Where the rationale for the rejection here particularly fails is with respect to the limitations of the resource files.*

What is quoted above from the Examiner's arguments is mischaracterization of Motoyama, which does not teach "*resource files*" that can be rationalized with the limitations of claim 3. Motoyama teaches dictionaries and databases of rules that are inherently needed to use those dictionaries. For example, at col. 6, ln. 20-24 Motoyama states "*FIG. 4 illustrates an exemplary ... English-Japanese/Japanese-English Dictionary 70 having four separate sections including a copier dictionary 72, a scanner dictionary 84, a printer dictionary 86, and a general English and Japanese vocabulary dictionary 88.*" Thus, Motoyama here actually teaches a dictionary having four different sections, covering three different situational-specific cases (using copies, scanners, and printers) and a general vocabulary dictionary covering other situations all for just one language.

Elsewhere the Examiner has argued that "*Motoyama teaches [translation] using a resource dictionary database (file) containing translated words and phrases for replacing variables ... [col. 4, ln. 14-23; col. 5, ln. 41-46; and col. 6, ln. 41-55]*" (Answer, pg. 3, last ¶; and Action, pg. 2, ¶2 of item 6). But this is just further mischaracterization. Motoyama nowhere uses any of the phrases "*resource dictionary database*," "*resource dictionary*," "*dictionary database*," or any variants of these. It also nowhere uses the term "*variable*" or any variants of it. The cite at col. 4, ln. 14-23 merely teaches formatting and distinguishing sections of a document; the cite at col. 5, ln. 41-46 merely states "*It is not critical that every tag or data be translated*"; and the cite at col. 6, ln. 41-55 teaches the use of dictionaries and rule databases (the latter not to be confused with dictionary databases or "*resource*" databases, i.e., what the rules are applied to).

What needs to be recalled here is that dictionaries and rules are simply not elements in claim 3. There has been much confusion due to Motoyama's, Fukumochi's, and Lakritz' use of dictionaries (and rules databases) and the perception that Appellant's resource file is equivalent to a dictionary. A dictionary has potentially many instances of definitions from which one is selected and used as a translation for a term or phrase (and, for example, in Motoyama the rules database guides which particular definition is chosen and used when there are multiple available).

As for "*Fukumochi teach[ing] a translation system using a dictionary containing idioms*," Appellant agrees but urges that this is not determinative here. While it is probably correct to say that all dictionaries contain idioms, a dictionary simply is not an element or limitation of claim 3.

Respectfully, claim 3 just does not include any of the words “dictionary,” “rules,” or “translation” (or any variants of these). Yet it clearly does include the phrases “template having a replacement variable” and “resource files containing data for replacing.” Nonetheless, even now in the Answer the added arguments continue to ignore the plain language of claim 3.

5 For example, the Examiner now argues that “*Motoyama clearly teaches a dictionary and a rules database ... [and] a “dictionary” file can be ... interpreted as a “resource file”, since the skilled artisan is cognizant that a dictionary is considered a “resource” of information*” (Answer, pg. 11, middle, in item a). This is specious argumentation that ignores the recited limitations of the resource files in claim 3. A cooking recipes file or a laundry list file are
10 “resource” files under the Examiner’s rationale, and the Examiner would thus have skilled artisans here be cognizant that we can prepare dinner with a laundry list; collect our dry cleaning by presenting a cookbook; or perform translation with either of these.

The Examiner now also argues in the Answer with respect to the limitation in claim 3 that “*said replacement variable will always be replaced with a respective said passage of text*
15 *governed by the selection of a particular one of said resource files,”* he “interprets” this:

*to mean that the variable will “always” be replaced by text pursuant to first being “governed by selection” [1] and “selectively” [2] for replacement by data (as claimed), the replacement data will “always” be text [3]. Since Motoyama teaches the translation of text [4], Motoyama’s variables (tags) [5] will
20 be replaced with text accordingly [6], if/when selected [7].* (Answer, pg. 12, last ¶ of item a)

With respect to [1], yes. This is somewhat awkwardly and redundantly stated, but we agree that a reasonable interpretation of this feature of claim 3. The selection of a particular resource file there does determine the data used to replace a replacement variable in the template.

25 With respect to [2], yes again (and redundant again). With respect to [3], we also agree that a reasonable interpretation of claim 3 is that the data in the resource files for replacing the replacement variable in the template in text form. With respect to [4], yes. Appellant agrees, but again questions the relevance of this. We urge that Motoyama’s teaching of translation is irrelevant, since claim 3 does not use the word “translation” or any variant of it. What claim 3
30 does perform is variable replacement. With respect to [5], Appellant agrees in principle but notes that the Examiner is here using Appellant’s claim language to read on Motoyama, when the issue is whether Motoyama teaches or reasonably suggests Appellant’s claim limitation. For example, we note again that Motoyama nowhere uses the term “variable” or any variant of it. With respect

to [6] and [7], Appellant agrees with the literal statement as it applies to Motoyama, but urges that this strongly illustrates that Motoyama is teaching away from the present invention. Claim 3 clearly includes the “always” limitation, since it is precisely what the Examiner is arguing about here, but “always” and “if” are not synonyms, and claim 3 does not use the word “when” and time is simply not part of any limitation in claim 3.

Turning next to an odd new argument in the Answer, Appellant has previously stressed that there is a distinction between the always-replace-with-data limitation in claim 3 and the two part (1) if-and-how-a-rule-motivates then (2) substitute-an-appropriate-definition teaching of Motoyama. Specifically, Appellant previously stated:

A single passage of text for replacement of the replacement variable thus exists in any given resource file in claim 3. This is clearly not a dictionary, and especially not one like Motoyama’s that has four different situational-specific sections to choose definitions from.

To which the Examiner has now responded:

It is ... submitted that Appellant is reading the specification into the claims [1]. A dictionary meanings of words, translations [2], etc. In addition, the skilled artisan is cognizant that “a passage of text” can comprise only one word [3] (Answer, pg. 13, top).

With respect to [1], we note that it is Appellant that keeps coming back to the literal language of claim 3. For example, pointing out that it does not include “dictionary,” “translation,” “if,” “when,” etc. But that claim 3 does include “template,” “variable,” “resource,” “always,” “different,” etc. With respect to [2], Appellant agrees – but urges that this also is irrelevant. A “dictionary,” the “meanings of words” (not to be confused with words ability to be mere data used to replace a variable), and “translations” are all not limitations of claim 3. And with respect to [3], Appellant agrees, but urges that this is also irrelevant.

In summary, multiple key limitations in claim 3 are not taught or reasonably suggested by the cited references.

Secondly, there is no suggestion or motivation to modify Motoyama, Fukumochi and Lakritz or to combine their teachings, and a prima facie case for obviousness should also therefore not obtain.

For example, Appellant has long maintained [1] that Motoyama actually teaches away from the claimed invention. By employing its complex scheme of dictionaries and rule databases

Motoyama is clearly using a different principle of operation (see e.g., col. 6, ln. 20-55). Appellant has also long maintained [2] that modifications or combinations of prior art that change a principle of operation are not obvious. See e.g., MPEP 2143.01 and the case law cited therein (e.g., specifically, *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959)).

5 With respect to [1] and apparently choosing to ignore [2], the Examiner has only now argued that “*The complexity of a reference has no negative bearing on obviousness, as long as the reference teaches and/or suggests the claimed limitations. It is ... noted that ... claim 3 does not limit the number of steps, and/or dictate the type and number of intermediate steps taken*” (Answer, pg. 13, in item c). However, Appellant has not argued the “*complexity of a reference.*”

10 Appellant has argued that Motoyama, Fukumochi, and Lakritz all use a different principle of operation (one essentially the same, see summary below) and that these references, individually or in combination, therefore do not properly teach the invention of claim 3, which has a quite different principle of operation. In summary, the principle of operation of Motoyama is rule-based selection from a dictionary of a proper word or phrase, to achieve dynamic computerized
15 translation; the principle of operation of Fukumochi is essentially the same except that a particularly sophisticated dictionary containing idioms of a language is used; and the principle of operation of Lakritz is also essentially the same except that tags in templates are used. In contrast, the principle of operation of the invention in claim 3 is direct variable replacement with idiomatically-correct predefined text (i.e., not translation; replacement with predefined passages
20 of text that, optionally, may be or may include existing translation previously performed by any human or computerized means).

 In passing, we note that the Examiner has not cited any legal authority for the proposition that “*The complexity of a reference has no negative bearing on obviousness.*” As for the proposition that it is necessary that a “*reference teaches and/or suggests the claimed limitations,*”
25 Appellant agrees that a reference needs to do this for the limitations for which it is being relied upon. In fact, that and the failure of the present references to teach or reasonably suggest multiple limitations of claim 3 is the very basis for Appellant’s first major argument above (by failure of the cited references to teach or reasonably suggest all of the claim limitations, a prima facie case should not obtain here). As for that the assertion that “*claim 3 does not limit the*
30 *number of steps, and/or dictate the type and number of intermediate steps taken*” we agree, but here as well we question relevance or whether the Examiner has expressed what he meant. A

claim should not have to recite irrelevant steps it does not perform or recite irrelevant limitations that it does not have. Here the purpose is variable replacement with data, not rules based translation with a dictionary.

Continuing, the Examiner has argued:

5 ... *Fukumochi teaches a translation system using a dictionary containing idioms of a language as applied to translation from one language to another (Fukumochi Abstract, column 4 lines 64-67 to column 5 lines 1-11; compare with claim 3 “idiomatically-correct”) (Answer, pg. 4, mid page; Action, pg. 3, in ¶2).*

10 However (Appellant has previously stated and now reiterates), the conclusion drawn here is error. As the Action itself states, “*Fukumochi teaches a translation system using a dictionary containing idioms [plural] of a language.*” But the resource files of claim 3 each contain only one idiomatically-correct predefined passage of text (singular) with which to replace a replacement variable in a template. Appellant’s resource files accordingly do not contain idioms (plural) to choose from.

15 With respect to this the Examiner has now disagreed (Answer, pg. 13, item d), stating that “*claim 3 does not specifically limit a resource file to only “one correct passage.”*” This statement is correct – but only because the Examiner has misquoted and partially quoted claim 3, which actually recites “*said resource files containing an idiomatically-correct predefined passage ... such that said replacement variable will always be replaced with a respective said*
20 *passage of text governed by the selection of a particular one of said resource files.*” Accordingly, the resource file need not contain merely one passage of text. It can contain many, but there will then be one and only one that replaces a given replacement variable.

25 The Examiner continues (Answer, pg. 13-14, item d), newly opining that “*Eventually, one word and/or phrase will be selected, regardless of how many candidates are present. The one word and/or phrase selected is usually (hopefully) the correct one.*” Respectfully, this is irrelevant with respect to claim 3, which is about always occurring variable replacement with a passage of text that has been elsewhere chosen to be the data for this in a resource file (perhaps, text that has even elsewhere previously been translated). [The Examiner’s statement here is also simply wrong with respect to language translation, including that of Fukumochi. In human
30 language translation, appropriate words and/or phrases in one language often have or require no translated words and/or phrases in another. For example, Japanese extensively uses “san” and “sensei” as honorifics (their closest equivalents in English are “Mr.” and “teacher”). These

honorifics are usually omitted when translated into English, however, because “Mr.” in English is a statement of gender and age, rather than of status in a social hierarchy, and because it would be nonsensical to call every honored person a teacher regardless of their profession.]

The paragraph in the Action as quoted from above (and now as well in the Answer) ends with the conclusion “*It would have been obvious ... to apply the idioms of Fukumochi to resource files of Motoyama, providing Motoyama the advantage of idioms within its resource files, for accurately translating specialized phrases from one language (and culture) to another*” (emphasis added). (* for reference below)

With respect to the flagged quote (*), Appellant has previously stated and now reiterates that this, firstly, is apparently unsupported conjecture attempting to state a motivation to justify the combination of Motoyama and Fukumochi. Appellant continues to urge that there must be some motivation to combine reference teachings and that this must appear in the references or in the generally available knowledge (see e.g., MPEP § 2142, quoted above). The Action here is simply silent with respect to the latter, thus failing again to make a prima facie case for obviousness.

The Examiner has now responded to this (Answer, pg. 14, item d, last ¶) by stating “*Contrary to Appellant’s assertion [this] is unsupported conjecture ... it is generally known that accurate translations*” Apparently, very late in the prosecution of a case pending since 1998, the Examiner is taking Official Notice, and he is taking it of something that is irrelevant. Claim 3 does not perform accurate translation, it merely includes the limitation that a replacement variable be replaced with data that is an idiomatically-correct predefined passage of text.

With respect also to the flagged quote (*), Appellant has also previously stated and now reiterates that this is also flawed because the end benefit of this combination of references is asserted to be accurate translation. That is irrelevant to claim 3. Accurate translation is not a benefit that claim 3 provides. If an inaccurate resource file is used the replacements made by the invention will similarly be inaccurate.

Thirdly, the combination of Motoyama, Fukumochi and Lakritz does not have a reasonable expectation of success, and a prima facie case for obviousness should yet also therefore not obtain.

For example, Appellant has long maintained that the combination of these references will not work. Motoyama teaches dictionaries (or dictionaries plural, or dictionaries with plural sections – but always something with plural definitions). Fukumochi teaches plural idioms. Without some set of rules to select from among and combine these, the results will be nonsensical. The invention, as recited in claim 3, does not need or have a rules-element to pick from among plural idioms or definitions. Applying the subset of elements of Motoyama and Fukumochi in the manner that the Examiner proposes would therefore not work. It would be unsatisfactory for the purpose of the claimed invention, and there can be no suggestion or motivation to make a non-workable modification. See e.g., MPEP 2143.01 and the case law cited therein (e.g., specifically, *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984)).

The Examiner has responded to this (Answer, pg. 14, item e) by opining that “*The plural idioms of Fukumochi can clearly be placed within the dictionaries of Motoyama [1]. The “resource file” of ... claim 3 does not limit a resource file as containing only one item, it merely claims it must contain “an idiomatically-correct predefined passage of text ... [2].”*

With respect to [1], the Examiner seems to have failed to appreciate Appellant’s point – that point being that Motoyama and Fukumochi both do essentially the same thing and both have the same failing. Both require and rely on a rules mechanism to function, and claim 3 simply does not recite any such rules mechanism. Lakritz does not remedy this deficiency in Motoyama and Fukumochi (and that is not argued otherwise). Accordingly, the combination of references here will not have a reasonable expectation of success unless an additional element (the rules mechanism not in claim 3) is added. But if that additional element is added, the combination then is not the invention recited in claim 3. In fact, since claim 3 would have less elements than such a putative combination, that in the abstract and in and of itself supports an argument that claim 3 recites a patentable improvement over the prior art, because it clearly requires fewer elements/limitations to accomplish its purpose.

With respect to [2], we agree. But, respectfully, this is simply irrelevant.

Continuing, the Examiner has also argued:

Motoyama teaches markup based translation of Web pages (Motoyama column 4 lines 14-23, also Figure 3). Motoyama does not specifically teach said markup page as a “template”. However, Lakritz teaches a multilingual translation method whereby tag based templates are utilized for content translation (Lakritz Abstract, also column 26 lines 47-60, column 5 lines 40-45, column 6 lines 50-65; compare with claim 3 “a markup-language encoded

template"). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Lakritz to Motoyama, providing Motoyama the benefit of templates which can easily support many languages and countries, as well as easy to add new languages, updating, etc. (see Lakritz column 7 lines 3-11). (Action, pg. 3, ¶3; and Answer, pg. 4)

With respect to the first sentence of this, it is addressed by Appellant's other remarks, above. With respect to the second and third sentences, we have before and we again agree. However, we have before and we now note again that, since Lakritz also teaches translation, using dictionaries with multiple possible choices and "rules files" and "rulesets" to make that all work, whether Lakritz does or does not teach or reasonably suggest tag based templates is not determinative. What Lakritz, or any combination employing it, puts into its templates is irreconcilably different than what is in claim 3.

The Examiner has responded to this (Answer, pg. 14, item e, last ¶) by stating that "Appellant merely states that Lakritz is "irreconcilably different" than what is in claim 3, yet Appellant offers no explanation." With gratitude, Appellant agrees and now rectifies this error. Briefly, Appellant's position for present purposes, stated in more detail below with respect to the other claims at issue, is that Lakritz is essentially the same as Motoyama and Fukumochi; it also teaches translation, using dictionaries with multiple possible choices and "rules files" and "rulesets" to make that all work; those are simply not elements of claim 3; and that the combination of Motoyama, Fukumochi and Lakritz therefore will still not have a reasonable expectation of success unless an additional rules mechanism element is added which would then improperly change the combination to something not recited in claim 3.

2. (Argument: Motoyama, Fukumochi, and Lakritz cont.) The rejection of claims 11, 16, and 18-20 is also technically flawed and also fails to meet the requisite criteria of a prima facie case for obviousness

With regard to claim 11, the Examiner's arguments in the Answer and the Action largely restate what was already stated for claim 3. In the interest of brevity, we here note differences, discusses those, and otherwise incorporate by reference our already made remarks.

In a different argument for these claims, the Examiner states:

Motoyama teaches selection of a dictionary file used to construct a page using translated words from said dictionary file (Motoyama column 6 lines 20-25;

compare with claim 11 “selecting one of said plurality of data files”, and “constructing an HTML encoded ... replace said variable”). (Answer, pg. 5, toward bottom; and Action, pg. 4, ¶5)

However, at col. 6, ln. 20-25 Motoyama does not teach selection of a dictionary file, it teaches selection of a situation-specific section (copier, scanner, printer, or general subject matter) within an English-Japanese/Japanese-English dictionary. In contrast, claim 11 recites “*each of said data files having therein a different language data ...*” (emphasis added). In claim 11 definitions are not selected, a data file is selected, and once one is selected the same data portion from it is always used to replace a template variable. This cannot be reconciled with the rule-based use of dictionaries that Motoyama teaches, wherein the rules are necessary to select from among a plurality of candidate definitions based on whichever specific context is encountered.

We note in passing that the Examiner has newly responded to this, but not with anything apparently new or relevant (Answer, pg. 14, item f).

With regard to claims 16 and 18-20, we submit that the rejections of these are error for the same reasons discussed above for parent claim 11.

Summarizing, Motoyama is the corner-stone reference of all of the rejections, yet it does not teach or reasonably suggest multiple elements of the claimed invention that it has been relied upon for. Different principles of operation among the various references and the claimed invention also cannot be reconciled. And applying the cited references in the proposed manner would be unsatisfactory for the intended purpose of the claimed invention. We urge that it follows that the requisite criteria of a prima facie case for obviousness are not met by the rejections.

3. (Argument: Motoyama, Fukumochi, and Lakritz cont.) The rejection of claims 21-22 is also technically flawed and also fails to meet the requisite criteria of a prima facie case for obviousness

With regard to claim 21, the Examiner’s arguments largely restate what was already stated for claims 3 and 11. In the interest of brevity we again note differences, discusses those, and otherwise incorporate by reference our already made remarks.

The 1st paragraph here is largely the same as the 1st for claims 3 and 11. However, the Answer and the Action here additionally state “... (*Motoyama column 4 lines 14-23, ...; compare*

with claim 21 *“a markup-language encoded....having a replacement variable...”* (emphasis added). Whereas, the cite to col. 4, ln. 14-23 is totally irrelevant to the argument above for claims 3 and 11, there is some arguable relevance here. Claim 21 recites *“a markup-language encoded template having a replacement variable within”* and it appears that the Examiner’s point is that variable replacement in templates is taught or suggested by Motoyama. What has been missed, however, is that claim 21 is here merely reciting a substantially conventional element that is used by its other particularly novel elements, and we have provided extensive remarks herein on why the rejection fails with respect to those novel elements.

With regard to claim 22, we submit that the rejection of this is error for the same reasons discussed above for parent claim 11.

B. (Argument cont.) The 35 U.S.C. § 103(a) rejections over Motoyama, Fukumochi, and Lakritz, and further in view of Levy

Please note, for no apparent reason these rejections were stated in the Action under separate items 7 and 8. In the interest of brevity they are treated together here.

1. The rejection of claims 4 and 7-8 is technically flawed and also fails to meet the requisite criteria of a prima facie case for obviousness

These claims depend from claim 3. As regards Motoyama, Fukumochi, and Lakritz, we have shown above that these do not teach all of the elements of claim 3, that no suggestion or motivation to combine them has been established, and that there is no reasonable expectation of success if their combination is used in place of the claimed invention. Levy does not remedy the deficiencies of these references.

It has never been argued that Levy teaches or reasonably suggests the elements that Motoyama, Fukumochi, and Lakritz are relied on for but fail to teach. In this respect the Action again fails to state a prima facie case for obviousness.

With regard to claim 4, the Examiner argues:

Motoyama does not specifically teach a language code. However, Levy teaches a country code, which is indicative of a particular language (Levy Abstract; compare with claim 4). It would have been obvious to one of ordinary

skill in the art at the time of the invention to apply Levy to Motoyama, because of Levy's taught advantage of country codes, providing Motoyama with a way to process a particular language. (Answer, pg. 8; and Action, pg. 7, in ¶2.)

However, this is just more mischaracterization. Levy teaches a country code for the outright substitution of complete predefined pages when a different language is desired. This is not equivalent to Appellant's language code, which specifies selection of a resource file from which data is used to replace a replacement variable within a template. Accordingly, Levy does not even teach or reasonably suggest the one element that it is relied upon to justify its combination with the other references used for this rejection.

As for the conclusion stated here in the Action, this is apparently unsupported conjecture attempting to state a motivation to justify the combination with Levy. There must be some motivation to combine reference teachings and that must appear in the references or in the generally available knowledge (see e.g., MPEP §2142, quoted above). In stating the rationale for the present rejection this standard has not been met.

Further, Levy's storing of static pages cannot properly be combined with Motoyama's, Fukumochi's, or Lakritz' dynamic approaches to constructing an end translation result. Such a modification would clearly change the principles of operation of the prior art being combined. To employ the teachings of Levy to store already translated pages would change these references away from a translation tool entirely. Similarly, employing the teachings of these other references to translate a page, on the fly so to speak, would remove from Levy the very reason it uses complete pre-constructed pages. Levy and Motoyama/Fukumochi/Lakritz solve largely the same problem -- but in essentially opposite ways. Modifications or combinations of prior art that would change a principle of operation are not obvious. See e.g., MPEP 2143.01 and the case law cited therein.

Furthermore, applying Motoyama/Fukumochi/Lakritz in combination with Levy in the proposed manner would still be unsatisfactory for the intended purpose of the claimed invention, because such a combination overlooks that other elements are lacking in such a combination that would still be required to have a workable result. Motoyama, Fukumochi, and Lakritz are inoperable without rules to select definitions or idioms, and Levy merely substitutes entire web pages (and the claimed invention does not do either of these). There can be no suggestion or motivation to make a non-workable modification. See e.g., MPEP 2143.01 and the case law cited therein.

The Examiner has newly responded to portions of the above, stating that Levy “*is in the same general field of endeavor as Motoyama, Fukumochi, and Lakritz*” and “*that a “country code” ... suggests a “language code.”*” (Answer, pg. 15). Respectfully, the Examiner seems to fail to appreciate that there are criteria for obviousness beyond references merely being in the same field. For example, criteria the courts have established, like whether there is a motivation to combine (other than hindsight), whether the same or different principles of operation are used in a combination, and whether the combination would work (not simply be workable at something, but rather workable to fulfill the same purpose as the claimed invention). Appellant has above argued the facts here based on such established criteria.

With regard to claim 7, the Examiner argues:

Motoyama does not specifically teach server side processing. However, Levy teaches a server accepting a web request along with a country code for processing of said web page (Levy column 2 lines 32-46; compare with claim 7). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Levy to Motoyama, because of Levy’s taught advantage of server side processing, providing Motoyama with a way to process a particular language freeing up client resources. (Answer, pg. 8; and Action, pg. 7, in ¶3,)

However, the cited portion of Levy merely describes that it stores its substitute web pages on a server. There is nothing taught or reasonably suggested here that has anything to do with “building” or “combining” anything. In contrast, claim 7 recites that “*a constructed markup-language code is built at a server by combining said markup-language encoded template and data from said resource file.*”

With regard to claim 8, the rejection relies on the rationale applied to claim 7, from which claim 8 depends. However, in addition to the failings of the rationales with respect to claim 7, we note that Levy also does not teach or reasonably suggest what claim 8 recites, that a “*server builds the constructed markup-language code by substituting said replacement variable with data from said resource file*” (emphasis added).

To Appellant’s arguments on claims 7-8 the Examiner has also newly responded, stating that “*Levy teaches a server accepting a web request along with a country code for processing ... [And] ... processing can combine “creation” and/or “building” a document.*” Apparently, the Examiner now appreciates that Levy teaches server processing but that its processing is not creation or building type processing. The Examiner is apparently trying now to resorts to Official Notice that processing as an abstract concept can include creation and building.

Respectfully, this application has been pending since 1998 and the claim limitations at issue here are not the result of a later amendment. The Examiner has had ample opportunity to come up with a procedurally and substantively proper basis for this rejection, if any exists. We urge that it is too late for Official Notice and, even if prosecution were reopened here, we urge that the Examiner would not then be able to properly cite and argue prior art to maintain the substance of the Official Notice here under the requisite criteria and in view of the other prior art such putative new art would still have to be properly combinable with.

2. (Argument: Motoyama, Fukumochi, Lakritz, and Levy cont.) The rejection of claims 14-15 is also technically flawed and also fails to meet the requisite criteria of a prima facie case for obviousness

These claims depend from claim 11. As regards Motoyama, Fukumochi, and Lakritz, we have shown above that these do not teach all of the elements of claim 11, that no suggestion or motivation to combine them has been established, and that there is no reasonable expectation of success if their combination is used in place of the claimed invention. Levy does not remedy the deficiencies of these other references.

It has never been argued that Levy teaches or reasonably suggests the elements that Motoyama, Fukumochi, and Lakritz are relied on for but does not teach. In this respect the Action again fails to state a prima facie case for obviousness.

With regard to claim 14, other than “*claim 14*” versus “*claim 4*,” the first paragraph of the Action here is the same as for claim 4. Similarly, the second paragraph here is the same as for claim 7.

With regard to claim 15, the Answer and the Action reference the rationale for rejection applied to claim 14, from which claim 15 depends, and we accordingly also incorporate by reference our remarks from above about why this is error.

C. (Argument cont.) The 35 U.S.C. § 103(a) rejections over Motoyama, Fukumochi, and Lakritz, and further in view of Berg

1. The rejection of claims 9-10 is technically flawed and also fails to meet the requisite criteria of a prima facie case for obviousness

With regard to claim 9, the Examiner states that “*the use of Java code within HTML (i.e. JavaScript) is known ..., therefore, it would have been obvious ... to apply Java code to HTML for the advantage of dynamic applets, etc.*” (Answer, pg. 10; and Action, pg. 8, in ¶5 (¶2 of item 9)). We agree. However, in the next paragraph the Examiner argues:

Motoyama does not specifically teach a JAR file containing a Java ResourceBundle. However, Berg teaches Java in association with a Hot Java browser, incorporating a JAR file and a Java ResourceBundle to be eventually run as an applet (Berg p.6 at numbers 5, 6, also p.7 at number 8; compare with claim 9). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Berg to Motoyama, because of Berg’s taught advantage of JAR files and resource bundles, providing Motoyama with a way to utilize the advantages of said files for its dictionaries.

As discussed already, however, Motoyama’s dictionaries are not equivalent to Appellant’s data files and any speculated advantages that might be provided by those are not relevant. The Examiner fails to look beyond the use of JAR files, which we have conceded are prior art, and to look to the content of the JAR files here.

With regard to claim 10, also containing particularized JAR files as subject matter, we submit that the rejection of this is error for the same reasons discussed above for claim 9.

2. (Argument: Motoyama, Fukumochi, Lakritz, and Berg cont.) The rejection of claims 12-13 is also technically flawed and also fails to meet the requisite criteria of a prima facie case for obviousness

These claims depend from independent claim 11. In the Action, however, at pg. 9, in ¶3, the Examiner simply references the rationale for rejection that he used for claims 9-10 (which depend from claim 3). In the event that our remarks with respect to parent claim 11 are not persuasive, we respectfully urge that dependent claims 12-13 should still be distinguished by their additional subject matter, and thus that the rejection of these is error for the same reasons that we have discussed above for claims 9-10.

3. (Argument: Motoyama, Fukumochi, Lakritz, and Berg cont.) Reply to the Examiner's newly stated remark in the Answer

5 The Examiner has correctly noted that Appellant did not argue the Berg reference in the Appeal Brief. This was intentional, but since it appears to have caused confusion we now explain.

10 Appellant's position with respect to Berg is that the cited combination of prior art references here fails to support the rejection regardless of Berg. Appellant's rational is that, even if every factual assertion made about Berg were correct (see e.g., Answer, 10; and Action, pg. 8-9), the rejection here should still fail because the assertions of fact and conclusion about Motoyama, Fukumochi, and Lakritz are error (as extensively argued by Appellant elsewhere herein and previously). It is the responsibility of the Examiner to cite and then argue any teachings in Berg that he feels might salvage the combination here in the face of the failings of Motoyama, Fukumochi, and Lakritz, and the Examiner clearly has not done this.

15

VIII. CLAIMS APPENDIX
(37 C.F.R. § 41.37(c)(1)(viii))

20 The text of the claims involved in this appeal is presented on subsequent pages 18-22 of this brief

1-2 (Cancelled).

1 3. A computer implemented user interface, comprising:
2 a markup-language encoded template having a replacement variable within; and
3 a plurality of resource files containing data for replacing said replacement variable, said
4 replacement variable being selectively replaced by data from a selected one of said resource
5 files, each of the plurality of said resource files containing an idiomatically-correct predefined
6 passage of text in a different language such that said replacement variable will always be
7 replaced with a respective said passage of text governed by the selection of a particular one of
8 said resource files.

1 4. The user interface of claim 3, wherein:
2 said particular one of said resource files is selected according to a language code.

1 5. The user interface of claim 3, wherein:
2 said resource file is an HTML ResourceBundle.

1 6. The user interface of claim 5, wherein:
2 said HTML ResourceBundle is alike in format to a conventional Java ResourceBundle.

1 7. The user interface of claim 3, wherein:
2 a constructed markup-language code is built at a server by combining said markup-
3 language encoded template and data from said resource file.

1 8. The user interface of claim 7, wherein:
2 the server builds the constructed markup-language code by substituting said replacement
3 variable with data from said resource file.

1 9. The user interface of claim 3, and further including:
2 Java code within said markup-language template; and
3 a JAR file containing a Java ResourceBundle.

1 10. The user interface of claim 3, and further including:
2 a plurality of said resource files such that said replacement variable is selectively
3 replaced by data from a selected one of said resource files to produce a constructed markup-
4 language code page;
5 Java code within said markup-language template; and
6 a JAR file containing a Java ResourceBundle; wherein
7 the constructed markup-language code page and the JAR file are transmitted to a
8 browser.

1 11. A method for constructing a web based user interface, comprising:
2 providing an HTML template to a server, said HTML template including at least one
3 variable;
4 providing a plurality of data files to the server, each of said data files having therein a
5 different language data portion corresponding to said variable, the data portion comprising
6 idiomatically-correct predefined content;
7 selecting one of said plurality of data files; and

8 constructing an HTML encoded user interface file by always substituting the same data
9 portion from the selected one of said plurality of data files into said HTML template to replace
10 said variable.

1 12. The method of claim 11, wherein:

2 said HTML template includes Java code; and

3 a plurality of Java ResourceBundles are provided such that when said Java code executes
4 then data from a selected one of said Java ResourceBundles is provided in a Java Applet in the
5 web based user interface.

1 13. The method of claim 12, wherein:

2 the plurality of Java ResourceBundles are combined into a JAR file and transmitted from
3 the server to a browser along with said HTML encoded interface.

1 14. The method of claim 11, wherein:

2 a language code is sent from a browser to the server; and

3 the one of said plurality of data files is selected according to the language code.

1 15. The method of claim 14, wherein:

2 the language code is selected to indicate a particular language such that the one of said
3 plurality of data files is selected according to the language desired.

1 16. The method of claim 11, wherein:

2 each of the plurality of data files is in the form of a ResourceBundle.

17 (Cancelled).

1 18. The method of claim 11, wherein:

2 each of the plurality of data files contains data arranged in key/value combinations such
3 that the key is identical to said variable and the value is the data to be substituted for the variable.

1 19. The method of claim 18, wherein:

2 the key/value pair is delineated by curly brackets; and the key is separated from the value
3 by a comma.

1 20. The method of claim 11, wherein:

2 said variable is delineated within said HTML template by pound signs.

1 21. A computer program product comprising a computer usable medium having a computer
2 readable code embodied thereon configured to operate on a computer, comprising:

3 a markup-language encoded template having a replacement variable within; and

4 a plurality of resource files containing data for replacing said replacement variable, said
5 replacement variable being selectively replaced by data from a selected one of said resource
6 files, each of the plurality of said resource files containing an idiomatically-correct predefined
7 passage of text in a different language such that said replacement variable will always be
8 replaced with a respective said passage of text governed by the selection of a particular one of
9 said resource files.

1 22. The computer program product of claim 21, wherein:
2 said resource files are HTML ResourceBundles that each contain alternative data to be
3 selectively substituted for said variables.

23-24 (Cancelled).

IX. EVIDENCE APPENDIX
(37 C.F.R. § 41.37(c)(1)(ix))

There is no evidence pursuant to § 1.130, 1.131, or 1.132, or otherwise, that has been entered by the examiner and that is relied upon by appellant in this appeal.

X. RELATED PROCEEDINGS APPENDIX
(37 C.F.R. § 41.37(c)(1)(x))

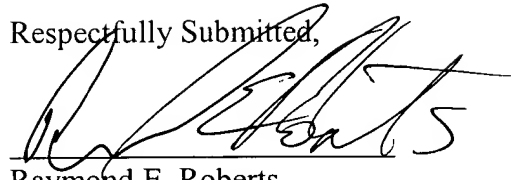
5 There are no other appeals or interferences which may be related to, that will directly
affect, or be directly affected by or have a bearing on the Board's decision in this appeal.

XI. CONCLUSION

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Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'R. Roberts', written over a horizontal line.

Raymond E. Roberts
Reg. No.: 38,597